

NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

Goodless Electric Co., Inc. and Local Union No. 7, International Brotherhood of Electrical Workers, AFL-CIO. Cases 1-CA-31249, 1-CA-31429, and 1-CA-31657

August 30, 2002

SECOND SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS LIEBMAN, COWEN, AND BARTLETT

On October 31, 2000, the National Labor Relations Board, on remand from the United States Court of Appeals for the First Circuit, issued a Supplemental Decision and Order reaffirming its original decision finding that the Respondent had violated Section 8(a)(5), (3), and (1) of the Act. 332 NLRB No. 96.¹

Subsequently, the Board filed with the First Circuit a petition for enforcement of its Supplemental Order, and the Respondent petitioned for review. On March 28, 2002, the court issued a decision denying enforcement of the Board's Supplemental Order.

In that decision, the court held that the Board had erred in concluding that the court's opinion permitted the Board to reaffirm, rather than to reverse, its earlier Order based on a clarification of precedent. The court, therefore, reversed with "an explicit instruction that the Board dismiss the charges against [Respondent] Goodless."

¹ The Board's original Decision and Order is reported at 321 NLRB 64 (1996). The First Circuit's decision denying enforcement is reported at 124 F.3d 322 (1997).

NLRB v. Goodless Brothers Electric Co., 285 F.3d 102, 111.²

By letter dated July 16, 2002, the Board invited the parties to file statements of position with respect to the court's decision. Only the Respondent filed a statement of position. In that statement, the Respondent requested that the Board expeditiously dismiss the charges against it.

Having accepted the First Circuit's decision as the law of the case, we shall therefore dismiss the complaint against the Respondent.

ORDER

The Board's prior Orders in this proceeding, reported at 321 NLRB 64 and 332 NLRB No. 96, are vacated and the complaint is dismissed in its entirety.

Dated, Washington, D.C. August 30, 2002

Wilma B. Liebman,	Member
-------------------	--------

William B. Cowen,	Member
-------------------	--------

Michael J. Bartlett,	Member
----------------------	--------

(SEAL) NATIONAL LABOR RELATIONS BOARD

² Members Cowen and Bartlett did not participate in the Board's decisions in this case and express no view as to those decisions.